

A SE

#3/ K.T.  
7/9  
PRE  
A

Attorney Docket No: C70237D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Woodhead, *et al.*

March 7, 2001

Serial No.: To be assigned

Group Art Unit No.: Unknown

Filed: Herewith

Examiner: Unknown

For: BLACKCURRANT PROMOTERS AND GENES

Assistant Commissioner for Patents  
Washington D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Prior to the first Office Action on the merits, the Applicants request entry of the following amendment.

IN THE SPECIFICATION:

On page 1, line 3, please insert before the first line, "This application is a Divisional Application of U.S. Patent Application Number 09/068,140, filed November 02, 1998, now pending, which claims benefit of PCT Patent Application Number PCT/EP96/04807, filed November 04, 1996, now abandoned, which claims foreign priority of Great Britain Patent Application No. 9522558.7, filed November 03, 1995, now abandoned".

On page 7, line 15, delete "Figure 10" and substitute therefore Figures 10a and 10b.

After page 52, please insert the Abstract of the Disclosure that accompanies this Amendment.

IN THE CLAIMS:

1-15 16 17  
→ Please delete Claims 1-15 and add claims 16 and 17 as follows:

Rule  
1.126

16<sup>17</sup>. A process for isolating a promoter capable of driving fruit-specific expression of DNA sequences non-climacteric fruit comprising

- A3
- a) isolating mRNA from ripening blackcurrant fruit:
  - b) preparing a cDNA library from the isolated mRNA:
  - c) differentially screening the library from b) to identify genes expressed during the ripening period: and
  - d) screening a genomic library with probes prepared from cDNA identified according to step c) to isolate the corresponding gene and its promoter region.

17<sup>18</sup>. A promoter obtained by the process of claim 17.

IN THE FIGURES:

Please delete "Figure sheets 1-10" and add substitute therefore formal Figure sheets 1-11.

REMARKS

After amendment herein, Claims 17 and 18 are pending in this application. There is no issue of new matter. If it would expedite the prosecution of this application, the Examiner is invited to confer with the Applicants' undersigned attorney.

Respectfully submitted,



William R. Majarian  
Attorney for Applicant  
Registration No. 41,173

GLAXOSMITHKLINE  
Corporate Intellectual Property UW2220  
P.O. Box 1539  
King of Prussia, PA 19406-0939  
Phone (610) 270-5968  
Facsimile (610) 270-5090

N:\Will\APPS\C70237\70231D\preamend.doc